

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SHAW FAMILY ARCHIVES, LTD., EDITH :
MARCUS and META STEVENS,

Plaintiffs,

-against-

CMG WORLDWIDE, INC. and MARILYN
MONROE LLC,

Defendants.

:

Case No. 05 Civ. 3939 (CM)

:

Hon. Colleen McMahon

:

:

:

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**DEFENDANTS / CONSOLIDATED PLAINTIFFS' PROPOSED VERDICT
FORMS**

DOMICILE

Where do you find that Marilyn Monroe was domiciled at the time of her death on August 5, 1962 for purposes of granting a right of publicity? (circle one)

California

New York

PUBLIC DOMAIN

1. Do you find that the book “Marilyn Monroe as the Girl” with photographs by Sam Shaw was published in 1955?

Yes ____ No ____

2. Do you find that a copyright registration certificate was issued for the book “Marilyn Monroe as the Girl” in 1955?

Yes ____ No ____

3. Do you find that the author of the book “Marilyn Monroe as the Girl” renewed the copyright registration to the book during the 28th year after the book was first published or during the 28th year after a copyright registration certificate was issued for the book?

Yes ____ No ____

4. The following questions relate to the book titled “Marilyn Among Friends” by Sam Shaw and Norman Rosten, and the book titled “Marilyn Monroe as the Girl” by Sam Shaw:

- a. Do you find that the photograph on Page 19 of “Marilyn Among Friends” was previously published in the book “Marilyn Monroe as the Girl” on Page 37?

Yes ____ No ____

- b. Do you find that the photograph on Page 23 of "Marilyn Among Friends" (far right) was previously published in "Marilyn Monroe as the Girl" on Page 95?

Yes ____ No ____

- c. Do you find that the photograph on the bottom right hand corner of page 26 of "Marilyn Among Friends" was previously published in "Marilyn Monroe as the Girl" on Page 48?

Yes ____ No ____

- d. Do you find that the photograph on Page 27 of "Marilyn Among Friends" was previously published in "Marilyn Monroe as the Girl" on Page 55?

Yes ____ No ____

- e. Do you find that the photograph published on Page 40 of "Marilyn Among Friends" was previously published on Page 69 of "Marilyn Monroe as the Girl"?

Yes ____ No ____

- f. Do you find that the photograph published on Page 41 of "Marilyn Among Friends" was previously published on Page 60 of "Marilyn Monroe as the Girl"?

Yes ____ No ____

- g. Do you find that the photograph published in the center on Page 42 of “Marilyn Among Friends” was previously published on Page 64 of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- h. Do you find that the photograph published on Pages 42 and 43 of “Marilyn Among Friends” was previously published on Page 61 of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- i. Do you find that the four photographs published on Page 45 of “Marilyn Among Friends” were previously published on Pages 62 (left), 65 (right), 67 (right) and 69 (left) of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- j. Do you find that the photograph at the bottom of Page 49 of “Marilyn Among Friends” was previously published on Page 113 of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- k. Do you find that the photograph published on Page 57 of “Marilyn Among Friends” was previously published in “Marilyn Monroe as the Girl” on Page 117?

Yes ____ No ____

- l. Do you find that the photograph published on Page 60 of “Marilyn Among Friends” was previously published on Page 72 of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- m. Do you find that the photographs published on Page 82 of “Marilyn Among Friends” were previously published on Pages 123 (right) and 124 (left) of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- n. Do you find that the photograph published on Page 83 of “Marilyn Among Friends” was previously published on Page 121 of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- o. Do you find that the photograph published on Page 75 of “Marilyn Among Friends” was previously published on Page 126 of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- p. Do you find that the photograph published on Page 149 of “Marilyn Among Friends” was previously published on Page 89 of “Marilyn Monroe as the Girl”?

Yes ____ No ____

5. Do you find that the photograph published on Page 46 of “Marilyn Among Friends” by Sam Shaw and Norman Rosten was previously published on Page 162 of “Marilyn Monroe. The Life. The Myth” published by Rizzoli International Publications, Inc.?

Yes ____ No ____

6. The following questions relate to “The Joy of Marilyn in the Camera Eye” by Peebles Press International, Inc. with photography and commentary by Sam Shaw, and the book “Marilyn Monroe as the Girl” by Sam Shaw:

- a. Do you find that Page 9 of “The Joy of Marilyn in the Camera Eye” was previously published on the back cover of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- b. Do you find that the photograph published on Page 19 of “The Joy of Marilyn in the Camera Eye” was previously published on page 72 of “Marilyn Monroe as the Girl”?

Yes ____ No ____

- c. Do you find that the photograph on Page 107 of “The Joy of Marilyn in the Camera Eye” was previously published on page 112 of “Marilyn Monroe as the Girl”?

Yes ____ No ____

7. Do you find that the photographs of Marilyn Monroe taken by Sam Shaw in connection with the film “Seven Year Itch” were a work for hire?

Yes ____ No ____

8. With respect to each of the following photographs, if you answer Yes to question (A), skip question (B) and continue to the next photograph; if you answer No to question (A), answer question (B).

Photographs	(A) Do you find that this photograph was published without proper notice before 1978?	(B) Do you find that the copyright to this photograph was renewed within the 28 th year after it was first published or a certificate of copyright was obtained?
[DX 230] ¹	Yes ____ No ____	Yes ____ No ____

¹ “DX” refers to Defendants’ designated trial exhibits, and will be updated if a different numbering scheme is used at trial.

Photographs	(A) Do you find that this photograph was published without proper notice before 1978?	(B) Do you find that the copyright to this photograph was renewed within the 28 th year after it was first published or a certificate of copyright was obtained?
[DX 231]	Yes ___ No ___	Yes ___ No ___
[DX 232]	Yes ___ No ___	Yes ___ No ___
[DX 233]	Yes ___ No ___	Yes ___ No ___
[DX 237]	Yes ___ No ___	Yes ___ No ___
[DX 234]	Yes ___ No ___	Yes ___ No ___
[DX 235]	Yes ___ No ___	Yes ___ No ___
[DX 236]	Yes ___ No ___	Yes ___ No ___
[DX 242]	Yes ___ No ___	Yes ___ No ___
[DX 236]	Yes ___ No ___	Yes ___ No ___
[DX 238]	Yes ___ No ___	Yes ___ No ___
[DX 239]	Yes ___ No ___	Yes ___ No ___
[DX 240]	Yes ___ No ___	Yes ___ No ___
[DX 241]	Yes ___ No ___	Yes ___ No ___
[DX 31]	Yes ___ No ___	Yes ___ No ___

Dated: New York, New York
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